

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.**

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

In re Revision of the Commission's )  
Rules to Ensure Compatibility With )  
Enhanced 911 Emergency )  
Calling Systems )

Docket No. 94-102  
DA 98-2631

**REPLY COMMENTS OF SPRINT SPECTRUM L.P.**

Following the advice of the Wireless Bureau of the Federal Communications Commission ("FCC"), Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint PCS") filed a waiver request seeking a limited suspension of the requirements of Commission rule 20.18 in order to evaluate the possible use of Global Positioning Satellite ("GPS") technology for Phase II of the FCC's E911 First Report and Order.<sup>1</sup> Even before Sprint PCS' waiver request was filed, several parties filed comments regarding GPS technology.<sup>2</sup> Although these parties have voiced concerns regarding the waiver process and the appropriate role of GPS technology, none have addressed the specifics of Sprint PCS' proposal. More importantly, Sprint PCS' proposed use of ALI-capable handsets in conjunction with a software-based location technology addresses all of the issues raised by these parties. Accordingly, Sprint PCS again respectfully requests that the Commission grant a limited waiver of section 20.18 of the Commission's rules as set forth in Sprint PCS' original waiver request and as more fully described below.

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<sup>1</sup> Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems CC Docket No. 94-102, Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18676 (1996) (E911 First Report and Order).

<sup>2</sup> For example, KSI Inc. and True Position, Inc., vendors threatened by the potential competition offered by GPS technology, have already filed twice in this waiver process.

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## **Sprint PCS' Waiver Request**

As described in Sprint PCS' initial waiver request, Sprint PCS proposes to use a combination of GPS technology and software-based network technologies that will provide the benefits of greater accuracy and economy of GPS systems with the universality and timeliness of network solutions. Sprint PCS proposes to begin the early sale of ALI-capable handsets, thus promoting the Commission's goal of early and effective implementation of Phase II. To provide for the embedded handset base and roamers, however, Sprint PCS would also install a software-based network solution that could provide location information with an accuracy within 285 meters.

Sprint PCS is **not** proposing to build additional network elements that would be overlaid on the existing network equipment in addition to deploying an ALI-capable handset solution. Such an approach would be economically prohibitive and wasteful. Instead, Sprint PCS is proposing to modify the software within its existing network architecture to provide location information for all users, and to introduce ALI-capable handsets as they become available. Sprint PCS believes this approach satisfies the universality and timing questions raised by certain commenters while permitting the implementation of superior technology.

Finally, it should be noted that Sprint PCS' waiver request is contingent upon the various technologies referenced becoming available and performing as vendors have represented. While it is true that these technologies have not been thoroughly tested, it is also true that the Phase II deadline is over two and a half years away. Sprint PCS merely requests that the FCC provide the flexibility to explore competing technologies rather

than effectively mandate that Sprint PCS purchase network solutions from one of the “Phase II Working Group.”<sup>3</sup>

### **Public Safety Associations’ Comments**

The Public Safety Associations<sup>4</sup> filed joint comments expressing reservations regarding the use of GPS technologies but acknowledging that GPS handsets are “widely recognized to be capable of delivering greater radio location accuracy,” at least in certain circumstances.<sup>5</sup> Public Safety suggested, however, that it would prefer a “both-and” solution which would require carriers to spend the two billion dollars necessary to install a network triangulation system and then to spend an additional several hundred million dollars to implement an ALI-capable handset solution.

A “both-and” solution is duplicative, economically wasteful, and would unnecessarily raise the price of wireless services. The Sprint PCS proposal accomplishes in a more practical manner the goals set out by Public Safety. The software system discussed above will permit a universal locating device that provides a level of accuracy sufficient to locate a caller while permitting the necessary flexibility to begin the implementation of the more efficient and accurate ALI-capable handsets.

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<sup>3</sup> KSI, Inc. (“KSI”), TruePosition, Inc. (“TruePosition”), Corsair Communications, Inc. (“Corsair”), and SigmaOne Communications Corporation, vendors of network triangulation systems, have filed joint Comments as the “Phase II Working Group.”

<sup>4</sup> The National Emergency Number Association (“NENA”), the Association of Public-Safety Communications Officials-International, Inc. (“APCO”) and the National Association of State Nine One One Administrators (“NASNA”) filed jointly as the “Public Safety Associations.”

<sup>5</sup> Public Safety Associations’ Comments, In the Matter of Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, 94-102, p. 3 (February 4, 1999).

## **Phase II Working Group Comments**

The comments of TruePosition and the other members of the Phase II Working Group are so full of histrionics and melodrama, it is difficult to reach the ultimate points they are attempting to make. Despite their assertions, Sprint PCS is not proposing to abandon “tens of millions of CMRS users” to “unnecessary death and serious injury.”<sup>6</sup> Sprint PCS is attempting to provide emergency location in a timely and cost effective manner so that it becomes economically attractive in the marketplace and thus available to a greater number of consumers.

Sprint PCS is not suggesting that location technology will be unavailable on the October 1, 2001, deadline. To the contrary, Sprint PCS suggests that the more accurate ALI-capable handsets will be put into production prior to that deadline. More importantly, Sprint PCS proposes to implement a safety net system for all users including roamers in time for the October 1, 2001 deadline. Sprint PCS merely suggests that the Commission’s current deadline should not be used as a procedural shield to protect network vendors from competition.

The nature of ALI-capable handset solutions prevents the creation of universal implementation on a single date. It permits, however, universal coverage the day the handset is purchased. Network vendors studiously avoid the fact that implementation of Phase II will not automatically occur on October 1, 2001. There must also be a request from a PSAP and a willingness to pay the associated costs. If Phase I implementation is any indication, it will be many years before network solutions will be capable of universal coverage. Sprint PCS would not suggest, however, that certain vendors are

threatening our customers with unnecessary death and injury. Rather, it is sufficient to note that network solutions have their own implementation problems.

TruePosition is attempting to use the procedural mechanisms created by the FCC to stifle a powerful source of competition. True to its stated intention, the FCC should permit the marketplace to generate creative solutions to this difficult problem. Location technologies are still developing and new solutions continue to appear. It should be the FCC's goal to encourage these positive market developments and not to preclude creative solutions before they can even be tested.

The Phase II Working Group objects that the waiver requests filed by the carriers do not meet the specificity requirements of the FCC's Public Notice. While there is a limited amount of technical information available at this time, Sprint PCS is not seeking a blanket waiver to proceed as it sees fit. Sprint PCS' waiver request is conditioned upon the subsequent satisfaction of certain conditions by the vendors supporting the ALI-capable handset solution. If these companies fail to meet the greater accuracy promises and cannot begin production of handsets prior to the October 1, 2001 deadline, Sprint PCS may have no choice but to pursue a network solution. At this time, however, it is inappropriate for the Commission to predetermine the type of technology that is best suited for implementation.

### **Conclusion**

Sprint PCS is not attempting to avoid the requirements of the FCC or to modify the Commission's rules through a backdoor procedural mechanism. Sprint PCS is attempting to implement the admirable goals of the FCC in a timely and cost-efficient

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<sup>6</sup> TruePosition, Inc. Response to E911 Comments and Waiver Requests, p. 8.

manner. The dual approach proposed by Sprint PCS not only meets the goals of the FCC, it improves upon them without the need to hold a rulemaking on a third phase of location technology. Wireless customers will have location technology by the October 1, 2001, deadline, and they will have greater accuracy available in new handsets. For all of the above reasons, the FCC should grant Sprint PCS' waiver request.

Respectfully submitted,

**SPRINT SPECTRUM d/b/a SPRINT PCS**

By:

A handwritten signature in dark ink, appearing to read "Jonathan M. Chambers", written over a horizontal line.

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